

FEB 05 2014

JULIA C. DUDLEY, CLERK
BY: *R. Collier*
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Robert S. Ballou, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered granting the Commissioner's motion for summary judgment and denying the plaintiff's motion for summary judgment. Objections to the report and recommendation have not been filed, and the court, upon review of pertinent portions of the record, is of the opinion that the report should be adopted. It is accordingly **ORDERED** and **ADJUDGED** that the Report and Recommendation (Docket No. 18) is **ADOPTED**, the final decision of the Commissioner is **AFFIRMED**, the Commissioner's motion for summary judgment (Docket No. 14) is **GRANTED**, the plaintiff's motion for summary judgment (Docket No. 13) is **DENIED**, and this case is **STRICKEN** from the docket of the court.

ENTER: This February 5th, 2014.

~~UNITED STATES DISTRICT JUDGE~~